

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF THE FINAL DRAFT  
2022-2024 STATE OF NEW MEXICO CLEAN  
WATER ACT SECTION 303(d) AND  
SECTION 305(b) INTEGRATED LIST**

**WQCC No. 21-63**

**NEW MEXICO ENVIRONMENT DEPARTMENT SURFACE WATER QUALITY  
BUREAU’S PETITION FOR APPROVAL OF THE FINAL DRAFT STATE OF NEW  
MEXICO 2022-2024 CLEAN WATER ACT §303(d)/§305(b) INTEGRATED LIST  
OF ASSESSED SURFACE WATERS AND REQUEST FOR HEARING**

Pursuant to NMSA 1978, § 74-6-3(E), the Surface Water Quality Bureau (“Bureau”) of the Water Protection Division (“Division”) of the New Mexico Environment Department (“Department”) hereby petitions the Water Quality Control Commission (“Commission”) to approve the Final Draft State of New Mexico Clean Water Act §303(d)/§305(b) Integrated List of Assessed Surface Waters (“Integrated List”).

The Integrated List is Appendix A of the upcoming 2022-2024 Clean Water Act §303(d)/§305(b) Integrated Report (“IR”). The IR and related appendices satisfy the statutory requirements of Sections 303(d), 305(b), and 314 of the federal Water Pollution Control Act [33 U.S.C. 1251 *et seq.*], commonly referred to as the Clean Water Act. The IR also includes basic information on water quality and water pollution control programs in New Mexico to the U.S. Environmental Protection Agency (“EPA”) and the U.S. Congress, as well as to the general public and stakeholders. The most recent version of New Mexico’s Integrated List (2020-2022) is posted to the Bureau’s website at: <https://www.env.nm.gov/surface-water-quality/303d-305b/>.

“The Commission is the state water pollution control agency for this state for all purposes of the federal [Clean Water Act].” NMSA 1978, § 74-6-3(E). Since the Commission has no technical staff, responsibilities for water quality management activities are delegated to constituent agencies, primarily the Department. *See* NMSA 1978, § 74-6-4(F). Responsibilities for activities

involving surface waters, including development of the Integrated List, are delegated to the Bureau.

Because the Integrated List is not a final permitting action, compliance order, or regulation, Commission approval is not subject to judicial review pursuant to NMSA 1978, Section 74-6-7.

The public comment draft of the Integrated List was provided to the public on November 30, 2021, for a 45-day public comment period. Once comments are received and any changes are made to the Integrated List as a result of those comments, the resultant final draft Integrated List will be provided to the Commission for review and approval. In no case will the final draft Integrated List be provided to the Commission later than February 4, 2022 (30 days prior to the requested hearing date).

Section 305(b)(1) of the Clean Water Act requires states to submit the Integrated List to the EPA no later than April 1 every other year. Because the Bureau must submit the WQCC-approved Integrated List by April 1, 2022, a hearing date later than March 8, 2022, will result in missing that deadline. The Bureau therefore requests the Commission set the hearing date for the March 8, 2022, Commission meeting. The Bureau expects this matter to take approximately 45 minutes, depending on the extent of Commission questioning. The Bureau has solicited comments from the public and stakeholders, as noted above, these will be included in the Integrated Report (Appendix C) document itself. The Bureau's Proposed Order Scheduling Commission Review is attached hereto as Attachment 1.

**WHEREFORE**, the Bureau requests that the Commission set this Petition for hearing on March 8, 2022.

Respectfully submitted,

**NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF GENERAL COUNSEL**

By: /s/ John Verheul  
John Verheul  
Deputy General Counsel  
121 Tijeras Avenue NE, Ste 1000  
Albuquerque, New Mexico 87102  
Telephone (505) 469-8862  
Fax: (505) 383-2064  
Email: John.Verheul@state.nm.us

*Attachments:*

*Proposed Order Scheduling Commission Review*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Petition and Request for Hearing*, including attachments as indicated, was served on the following via electronic mail on December 1, 2021:

Pamela Jones, Commission Administrator  
Water Quality Control Commission  
Room N-2168, Runnels Building  
1190 St. Francis Dr.  
Santa Fe, New Mexico 87505  
Pamela.Jones@state.nm.us

Robert F. Sanchez, Commission Counsel  
Office of the Attorney General  
P.O. Box 1508  
Santa Fe, New Mexico 87504-1508  
rfsanchez@nmag.gov

/s/ John Verheul  
John Verheul  
Deputy General Counsel  
Office of General Counsel  
New Mexico Environment Department